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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/936,622	01/04/2002	Jacques Brosse	024118-00013	8733
4372	7590	01/22/2004		
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER	TOOMER, CELESTE D
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)
09/938,622	BROSSE ET AL. 
Examiner	Art Unit
Cephila D. Toomer	1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 04 November 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-3,5-22 and 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-21,24,26,27,29-31,34-36,43,44 and 46 is/are rejected.
- 7) Claim(s) 22,25,28,32,33,37-42 and 45 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 4, 2003 has been entered.

This office action is in response to the amendment filed September 8, 2003 in which claims 1, 5, 6, 11, 14-16, 24, 25, 34, 38, 39 and 41-42 were amended.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 12-16, 24 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear how a hydroxyl group (-OH) may be a monomer.

Clarification is required.

Claims 12-16 are rejected because claim 1 does not provide antecedent support for an hydroscopic agent. Clarification is required.

Claim 24 is rejected because NaCl is not a superabsorbent polymer.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 14, 21, 26, 27, 29-31 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by SU 494409.

SU teaches a composition for preservation of hides (skins and pelts) comprising (in g/l); 5-15 g acrylic acid water-soluble polymer, and 20-40 g of sodium chloride (hydrophilic agent) (see CAPLUS and WPIDS abstracts in their entirety).

SU does not specifically teach the residual moisture of the hide (claims 2 and 3); however, since SU teaches the same composition as recited in the present invention, SU would inherently meet the residual moisture limitation.

Accordingly, SU teaching all the limitations of the claims, anticipates the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3, 5-11, 17-21, 34, 36, 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodrum (US 4,914,066).

Woodrum teaches pellets of clay (hydrophilic agent) and superabsorbent polymer (see abstract). The clay when in contact with water increases its volume several fold by swelling (see col. 2, lines 10-17). The polymers are solid water-insoluble but water swellable polymers capable of absorbing many times their weight of water or aqueous solutions. The polymers are formed from crosslinked acrylic acid or derivatives, polyacrylamide, polymethacrylic acid and their alkali salts or starch modified polyacrylic acid, hydrolyzed polyacrylonitrile, alkylacrylates, acrylamide and their alkali salts (see col. 2, lines 26-42). The size of the pellets are about 0.05 to about 0.3 inches (1.27 to about 7.62 mm) (see col. 3, lines 13-20). This teaching suggests the claimed grain size of the polymers. Woodrum teaches the limitations of the claims other than the differences that are discussed below.

In the first aspect, Woodrum differs from the claims in that he does not specifically teach that the composition is for the preservation of raw animal hides. However, intended use is given no patentable weight in claims that are directed to the composition per se.

In the second aspect, Woodrum differs from the claims in that he does not specifically teach that the polymers are capable of absorbing internal moisture of rawhide. However, since Woodrum teaches similar polymers it would be reasonable to expect that the polymers of Woodrum would absorb the internal moisture of the rawhide.

In the third aspect, Woodrum differs from the claims in that he fails to teach a mixture of superabsorbent polymers and a mixture of polymers of a different grain size.

However, "It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980).

***Response to Arguments***

8. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that the polymer of SU is water soluble as opposed to the water-insoluble polymers of the present invention and that the polymer of SU is not superabsorbent.

It is well established that water-soluble polymers may be superabsorbent. The water-soluble polymers are made insoluble by crosslinking. Therefore, the polymer of SU is superabsorbent, absent evidence to the contrary.

Applicant argues that SU treats hides after preservation whereas the present invention treats and preserves raw hides.

The WPIDS abstract teaches that the composition is for preserving skins and pelts. SU teaches that skins that are treated with the composition are of an improved quality.

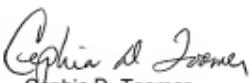
Applicant argues that the present invention does not use NaCl.

It should be noted that claim 12 contains NaCl.

9. Claims 22, 25, 28, 32, 33, 37-42 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach bactericides, hydroscopic agents, preservatives and the specific SAP of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Cephia D. Toomer  
Primary Examiner  
Art Unit 1714

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